

In the Drawing:

Please accept the accompanying replacement sheet, which replaces the drawing sheet with the figure illustrating the apparatus for performing the inventive method filed with the amendment dated March 8, 2007. The amended figure on the replacement sheet shows the additional step of outputting the result of the computer analysis of the fluorescence results, which has been added to the independent method claims 16 and 32 by the above changes. Entry of the proposed changes in the figure, which was filed with the amendment dated March 8, 2007, and approval of these changes are respectfully requested.

REMARKS

This is a supplemental amendment filed in response to the Examiner's Interview. Additional changes have been made in the independent method claims 16 and 32 and in the drawing to overcome the rejection of the method claims under 35 U.S.C. 101.

I. REJECTION FOR CLAIMING NON-STATUTORY SUBJECT MATTER

Method claims 16 to 27, which were otherwise found to contain allowable subject matter, were rejected under 35 U.S.C. 101 for claiming non-statutory subject matter.

Method claims 16 to 27 were amended and new method claims 30 to 35 were added by the amendment filed March 8, 2007.

Arguments were included in the REMARKS section of the amendment filed March 8, 2007, which show that the method steps of the amended independent method claim 16 and the new independent method claim 32 define practical methods that are useful and concrete. Thus the subject matter of the amended claim 16 and new claim 32 clearly satisfy most of the criteria for statutory subject matter under 35 U.S.C. 101 according to M.P.E.P. 2106 IV. C. 2.

Please favorably consider or reconsider the arguments to overcome the rejection under 35 U.S.C. 101 provided in the REMARKS section of the amendment filed March 8, 2006.

However during the interview it was pointed out that the last step of the new claim 32 and amended claim 16, which is a step of “ascertaining” whether or not the optical material is suitable for making the optical element, did not describe a result that necessarily occurred in the “real world”, but might merely occur in the computer analysis. Thus it was necessary to add the step of “outputting” the result from the computer that performs the analysis of the fluorescence spectra experimental results.

The basis for the additional step of “outputting” and the use of the computer to analyze the fluorescence spectra that result from the performance of the experimental method to determine the suitability of the optical material is found on page 6, lines 19 to 27, in the originally filed specification. Furthermore a “computer” by definition always has an output means, such as a printer or display with a display screen.

Thus the addition of the step of “outputting” in the amended claim 16 and new claim 32 satisfies the last requirement under M.P.E.P. 2106 IV. C. 2, namely that the claimed method must produce a tangible “real world” result. The claimed method of both claims 32 and 16 now include the “real world” result, namely the outputting of the result that informs those performing the method whether or not the optical material for the optical component is suitable for making the optical component.

For the foregoing reasons and those provided in the amendment of March 8, 2007 and because of the changes in amended claims 16 and 32, withdrawal of the rejection of claims 16 to 27 under 35 U.S.C. 101 is respectfully requested.

Furthermore it is respectfully submitted that none of the method claims 30 to 35 should be rejected under 35 U.S.C. 101.

II. DRAWING CHANGES

A replacement sheet accompanies this amendment, which has been filed to make changes in the sole figure filed with the amendment dated March 8, 2007.

First the typographical error in the label for the “sample holder” in the originally filed figure has been corrected.

Second the figure has been amended to show the “real world” result, namely the output from the computer, which indicates whether or not the optical material is suitable to make the optical component.

Entry and approval of the changes in the sole figure is respectfully requested.

III. ALLOWABLE SUBJECT MATTER

Method claims 16 to 27 were found to be allowable if amended to overcome the rejection under 35 U.S.C. 101. These claims have been amended

and it is respectfully submitted that the changes made in the claims have overcome the rejection under 35 U.S.C. 101 as explained further herein below.

Furthermore new method claims 30 to 35 have been added for preferred embodiments of the method claimed in claim 16. These claims should also be allowed because they depend on allowable amended claim 16 or include all its features and limitations.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

/ Michael J. Striker /

Michael J. Striker,
Attorney for the Applicants
Reg. No. 27,233